

April 7, 2005

MLPA Public Comments
c/o The California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814
Attn: Melissa Miller-Henson

RE: Comments Regarding Central Coast Stakeholder Group

Dear Ms. Miller-Henson:

Please consider the following word changes in your development of the *Strategy for Stakeholder and Interested Public Participation*.

Central Coast Stakeholder Group

This group will include key stakeholders from the central coast region who can provide biological, socioeconomic and other local community information and perspectives that will assist the central coast project manager and other staff in developing alternative proposals for marine protected areas in the central coast study region. The director of the Department of Fish and Game and the central coast project manager will solicit nominations, and jointly select from the nominees a representative group equally balanced among extractive and non-extractive stakeholders. ~~that~~ This group will meet regularly, most often in person, over nine to twelve months to provide input to the development of the recommendations for the Central Coast MLPA Project.

Size of Regional Working Group

At present you have plans for a Central Coast stakeholder group of 10 to 15 members from the local community with various valuable tools, skills and stakeholder interest. I would like to encourage you to consider bringing the size of this working group to as near it's previous composition. It is my understanding that the previous South Central Working Group was considered, by previous staff, as one of the most productive Regional Working Groups. It appears that the size of the group was not a deterrent towards accomplishing its goals in a timely manner. If adding two or three additional members to the working group will accommodate interests and provide a sense of inclusion, it may well rally support for the process. No other attempts to communicate and to reach out to stakeholders could better serve the process. Attempts to "stream line" the Working Group for a "fast track" may do it more harm than justice deserves.

Balance in the Public Interest

While it is understandable that a governmental process, or "public" process, will tend to seek and accommodate the concerns of constituency, which are more effective or persistent in expressing their interest, it is also incumbent on the governmental process to protect the total interest of the whole public.

In some obscure issues, such as the protection of the seas, the public in general may not be individually motivated to stand up and be counted, but this does not negate the necessity to assure their representation in the public process. It is understandable that a working group which is made up of “stakeholders” which may or may not be adversely impacted by the securing of the public trust, it is nevertheless incumbent that the public trust be seated at the “negotiations” table where interest are being protected. We have seen similar public forums heavily weighted by those directly benefiting from the resources they participate in making policies for, and we have seen the long-term end results of those decisions. Should the greater public interest not be foremost in this process, we may be subject to similar end results.

It is with this in mind, that I recommend that the makeup of all Regional Working Groups be more fairly balanced in the future to reflect the interest of the public from which this legislation has arisen. At the beginning, the selection of stakeholder representation was based on a 50% -50% consumptive and non-consumptive basis. Even then it was overly weighted towards the consumptive users, considering the public demand for oceans protection. Due to political successes from these stakeholders, even this division was ultimately altered towards their favor. While decisions are not determined by a democratic vote at the table, the process is weighted towards a “consensus” approach. It is most difficult, if not impossible to reach a consensus, or a middle ground that one “can live with” when significant, if not a substantial number of the “negotiators” at the table are trying to kill your position. By allowing so many “consumptive” or extractive users to enter into the official “record” their stated positions, the process is heavily weighted towards leaving a paper trail against marine protected areas, which may be troublesome in future litigation, and definitely during this process.

Selection of Regional Stakeholder Group

In your selection of stakeholder representatives, please consider the selection of individuals who have been intimately involved with the process, know and understand the issues at hand, and will do justice to their constituency. The MLPA Initiative is now on fast track, and for any stakeholder group to receive just representation, their representatives will need to be committed to the process, and the amount of time necessary to stay abreast of the issues. However, most will attest to the fact that knowing the issues, and their own constituency is not nearly enough.

Many of the stakeholders presently involved in the process have made efforts to develop a collaborative working relationship with other stakeholders, and have learned through the process that it is an essential element for their own success, and therefore to the success of the MLPAI. The development of these working relationships has been and will continue to be an essential ingredient towards a successful regional working group. Many stakeholders have participated in individual efforts, holding meetings one on one among themselves in an effort to develop mutual understanding, and the issues at hand. It is difficult for people to respect ideas, when respect for individuals is absent due to a lack of understanding. While there has been a down side to the delay of the MLPA process, an upside has been the opportunity of some stakeholders to take the time to become familiar with the issues, and each other. Please consider retaining working group members that have proven records of continued constructive participation and mutual cooperation among their peers. Please consider these factors above all, and not blind massive support mail, as your criteria in selecting the Regional Stakeholder Groups.

Alternates

In the selection of alternates for each stakeholder representative, I would highly recommend employing the process used in the previous MLPA process, which allowed the primary stakeholder representative

to recommend an alternate for appointment by the Director of the Department of Fish and Game. As is often the case, applicants might appear excellent on “paper,” and yet may not have a command of the issues, or understand the particulars to negotiate with other stakeholders. If the primary stakeholder is selected with the care and consideration as suggested above, it stands to reason this individual will be most diligent and aware of the qualifications of others they may wish to seek for support, motivation, and with whom they can develop a close working relationship. Should the primary designated stakeholder fail to forward a recommendation for an alternate, then, it would be appropriate for the Central Coast Project Manager, and/or the Department of Fish and Game Director to select an alternate.

Thank you for your consideration of these comments.

Respectfully submitted,
Jesús C. Ruiz
Recreational SCUBA Diver
Statewide Interest Group